

# Protection from crime: what is on offer for Africans?

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# Protection from Crime: What is on Offer for Africans?

At independence many in Africa anticipated a national state police force that would provide a universal, effective and just protection from crime and disorder, but after 40 years of independence it has become apparent that African governments are not willing or able to provide the level of service they had promised. The explanation is partly financial, but it is also true that weak states often choose to privilege “regime stability and narrow sectional interests over public safety considerations” or at times are simply guilty of “malevolent indifference” (Goldsmith, 2003: 4,7; Hills, 2000). As regards offering protection for citizens, state police are widely perceived as indifferent, inept, inefficient and corrupt (Adu-Mireku, 2002; Chukwuma, 2000; Shaw, 2002). Worse, there are many occasions when the police, pursuing their own or regime interests, commit extra-judicial killings, beat detainees, use excessive force, arbitrarily arrest and detain persons, and act in collusion with criminals (see annual reports of US Department of State, Human Rights Watch and Amnesty International). Given their regime-determined agenda, it is little surprising that police who commit such abuses are rarely investigated or punished.

For those living in rural areas and townships, it is not just that the state police are ineffective, predatory and potentially violent; they are absent (Pelsner et al., 2000). The Nigerian political scientist, Peter Ekeh, sums up the situation facing many in Africa today:

Nigerian governments have virtually told Nigerians to fend for their own protection. My hometown of Okpara with its environs has a population that is more than 20,000 people in Delta State. It has no police station. Indeed, there is no presence of government in the daily lives of its people. That is, the Nigerian state and its governmental agencies are *absent* from their daily lives. Crimes will be committed in any community and are being committed in my hometown. How are they resolved?; clearly without the help of any governmental agencies (Ekeh, 2002).

But policing is not just an activity of the state police. Policing, as understood in this article, is any organised activity that seeks to ensure the maintenance of communal order, security and peace through elements of prevention, deterrence, investigation of breaches, and punishment. It is in fact a mechanism of governance. As such it can be authorised and provided by non-state groups as well as the state. Some see the failure of the state police as the cause of the rapid emergence of non-state or self-policing in Africa. The rise in non-state policing, however, is not a totally new phenomenon arising from economic liberalisation and the privatisation of state functions. Years of autocratic predation that had little concern for legality or socialist leadership that sought a legal system that served the interests of the state, provoked alienation from the official law and the development of informal legal orders that by-passed and neutralised it. Going back even further, alternative security arrangements predate state (and colonial) policing and were never totally displaced by it (Waller, 1999; Turner, 1955; Killingray, 1986; Ahire, 1991). The two, of course, are not policing the same order (Buur, 2003a). The state police have always been agents of an authority that for many is following alien values concerning how crime is defined (e.g. does it include witchcraft, adultery, teenage pregnancy, disrespect to parents, unwarranted evictions) and how it is punished (e.g. does it undertake corporal punishment). Thus

even if the state police were effective in their role, there would still continue forms of policing of alternative orders (Nina and Scharf, 2001). But if state policing failures have not caused non-state policing, their failures have certainly reinvigorated it. It has also ensured that it has taken new forms, since part of the independent state project ensured that local chiefs had their powers to authorise policing too weakened to be able to fill the security vacuum.

Also driving self-policing is the real or perceived increase in crime following the political and economic liberalisation of the last 15 years. There is a widespread fear of crime and disorder, especially among those with the least resources to defend themselves, such as females and the poor (Alvazzi del Frate, 1998). Africa is currently viewed as the most violent continent on the basis of crime victimization rates (Zvekic, 1995, 1998). According to one survey of Uganda, South Africa and Tanzania, three out of every four in the cities had been victims of violence 1991-95. South African Police figures for 2002-3 also show high levels of crime. Murder rates are 47.4 per 100,000 of the population, whilst rape is at 115.3 per 100,000. (*Business Day*, Johannesburg, September 23, 2003). Despite some drops in crime rates over recent years, the fear of crime in South Africa is widespread. In a survey of victims of crime in a twelve month period, it was found that 16 per cent of the black population, 39 per cent of the white, 18 per cent of the coloured and 32 per cent of the Indian were affected. (Humphries, 2000: 4). Figures for Accra in Ghana show similar large increases in the last decade. Total crimes recorded by the 4 police divisions of the city jumped from 26,946 in 1990 to 44,567 in 1996. Taking selected offences, murder rose from 20 per year to 51; assault from 9,551 to 17,905, theft from 7,659 to 12,911 (Appiahene-Gyamfi, 2003: 17). In a nation-wide survey in Nigeria, conducted in October 2000, the public was asked, "has crime abated in your area within the past one year?", 65.8 per cent said crime in their areas had worsened. Of the 33.4 per cent who said the rate of crime had dropped in their areas, most attributed this decline to the emergence of vigilante and anti-crime groups (*Post Express*, Lagos, October 16, 2000). Whether rising crime is merely the product of more extensive reporting and recording of crime or whether there is a genuine rise associated with the weakening of traditional forms of social control, the fact is that it has provoked anxiety over crime protection.

Together, the perceptions of failing state police and rising crime have created a situation today where a plethora of non-state policing groups have emerged across the continent. Their variety is bewildering. Some adhere to the law and have police support, some are lawless and violent in their assault on crime; some are spontaneous, short lived or evolving, some are more permanent commercial enterprises. They are authorised by an array of groups besides governments. These include economic interests (legal and illegal), residential communities, cultural communities, and individuals. Similarly, there is considerable variety amongst those who provide policing. Commercial companies, non-state authorisers of policing, individuals, as well as governments are involved. It is this variety and complexity that this article explores. It begins with an examination of the paradigms that have been proposed to capture this fragmentation of policing, before introducing a typology of the various categories of policing groups that have arisen and their key features. The article concludes with an assessment of the dangers of proliferating non-state policing.

## Policing paradigms

Policing has been observed to be fragmenting not just in Africa but worldwide and there have been various attempts to capture it conceptually. The first may be called *neo-feudalism*. When private policing was “rediscovered” in the West (Shearing and Stenning, 1981, 1983; Spitzer and Scull, 1977; South, 1988; Johnston, 1992), private and public policing were sharply divided, with the former being primarily thought of as commercial security. After an initial interest in security guards, research on private policing began to note gated residential communities, mass retail outlets, and sporting/leisure complexes that suggested “fortified fragments” where a privately defined order was administered by private security (Shearing and Kempa, 2000). The parallel was drawn with feudal society and that of mediaeval city-states, since the fortified enclaves of privilege deployed a system of exclusionary justice. The neo-feudal paradigm suggests a clear-cut separation between private and public orders of policing. However, both public and private policing have important features in common. They are both forces of coercion engaged to preserve internal communal order and they draw on similar control and investigative techniques. It is, then, increasingly hard to separate them analytically. It does not, therefore, fully fit the African security world of overlapping and co-operative patterns of security and is unduly focussed on the commercial sector of non-state policing.

Bayley and Shearing (2001) conceptualise the complexity more effectively when they speak of *multilateral policing*. They draw attention to the fact not only that private policing consists of the informal as well as the formal (commercial), but that there are two distinct layers of diversity, namely auspices and providers of policing. This division of labour, they argue, is more significant than the traditional distinction between “public” and “private” policing, since the roles of state and non-state policing often overlap. Their review of policing worldwide suggests that policing is authorised by a variety of sponsors: economic interests (both formal and informal, legal and illegal), residential communities, cultural communities, individuals and governments. Policing provision is equally diverse in their view. It includes commercial companies, non-state authorisers of policing, individuals, and governments. Thus on the one hand, they note that a variety of nongovernmental groups have assumed responsibility for their own protection, whilst on the other hand a variety of nongovernmental agencies have undertaken to provide security services. Bayley and Shearing are to be welcomed for drawing attention to the (re)entry of citizens into policing functions, whether with or without the state police’s blessing. As Johnston notes:

Citizens, rather than being the passive consumers of police services, engage in a variety of productive security activities. Such “co-production” ranges from individual/household activities undertaken with police co-operation (property marking, becoming a special constable) to those lacking such co-operation (buying a fierce guard dog, surrounding one’s property in razor wire); and from group activities supported by the police (liaison groups, neighbourhood watch groups) to those denied such support (hiring a private security patrol to protect a group of residences, engaging in citizen patrol) (Johnston, 2001: 965).

But though the paradigm captures the diversity of policing, the complex relationships are more than a matter of authorising and providing.

The issue of relationships is addressed by those who speak of *plural networked policing* (Loader, 2000; Newburn, 2001; Kempa, Carrier, Wood and Shearing, 1999). This paradigm emphasises the relationship and co-operation between the diverse policing groups. In other words, it is not just that the boundaries between state and non-state institutions have “blurred”, but that they have been transformed by new partnerships. Though policing groups are diverse, Loader argues that they are not to be seen as isolated autonomous groups, but as together providing a security network across society. He talks of the “network of power” which:

Continues to encompass the direct provision and supervision of policing by institutions of national and local government. But it now also extends to private policing forms secured *through* government; to transitional police arrangements taking place *above* government; to markets in policing and security services unfolding *beyond* government; and to policing activities engaged in by citizens *below* government (Loader, 2000: 323-4).

This is a framework that recognises a multiplicity of state, market and community groups loosely networked to provide shared control, order and authority.

Though many nodes are acknowledged, this paradigm assumes the primacy of state law and still regards the state government as the primary node. Certainly neighbourhood watch schemes incorporate individuals as, in effect, private agents in a networked policing process led by the state police. The security network, from this perspective, tends to be defined in terms of the variable relationships with the state. Yet the prominence of the state does not fit Africa policing patterns well, since the state police are largely absent in the rural areas and poorer neighbourhoods of the towns. Further, the “junior partner” theory of the relationship of private policing to public policing is very often a convenient myth. Private policing does not simply tackle lesser offences. It may often prefer to tackle the most serious offences itself and leave the state police to lesser offences. Nor do the state police always determine what private policing does. On the contrary, they are often found following private policing in terms of its techniques (Shearing and Stenning, 1983).

The *security governance* paradigm of Johnston and Shearing (2003) takes on board all the insights of the earlier paradigms, but is prepared to deny any conceptual priority to the state in any security network. They are rightly wary of making assumptions about policing that are not born out empirically. For them it is important to carefully separate what policing is in essence, from the historical forms which policing has taken. That the traditional historical pattern has been one where policing is conceived as being about the application of punishment by state officers, is beyond dispute. However, as they point out, this is not the only way of approaching policing. Other mentalities to policing also exist, such as problem solving, risk management and remedial/restorative approaches operated through alternative institutions of the state, business or voluntary bodies. It is this historical baggage associated with “policing” that makes them prefer to speak of security and its governance. They define security governance as “the application of any means that will promote safe and secure places in which people live and work” (Johnston and Shearing, 2003: 71). The lack of specificity about the agents and the means they use is quite deliberate.

This approach makes no “essentialist” assumptions about *inter alia* the functions of the police, the ends which they serve, the objectives which they pursue, the means by which they pursue them or the historical trajectory through which police institutions develop (Johnston and Shearing, 2003: 60).

The attraction of this paradigm is that it eschews preconceptions of policing and insists that only empirical research can establish the exact nature of security governance network in any given area and the relationships of the various nodes: the state sector, the business sector, the NGO sector and the informal sector (Johnston and Shearing, 2003: 147).

The only paradigm that specifically has Africa in mind is that proposed by Clapham (1999). It is one that, on empirical grounds, abandons the private/public division and makes the case for *the universality of private policing*. He contends that most African states have never developed “public” security systems in the first place, in the sense of security systems that protect all citizens without discrimination and that are accountable to them. Essentially the state security systems, in his view, have been developed to support the ruling elite in their hold on power and wealth. Clapham believes it is naive to imagine that, generally speaking, African states actually represent the populations of the territories ascribed to them. Their “public” security is little different from the “privatised” security systems controlled by groups and individuals. In the context of Africa, therefore, he sees no basis for retaining the dichotomy between “public” and “private” security. All security systems are private in that they all serve less than the whole population. What does divide these essentially private security systems is the degree to which they are efficient and accountable.

Many of the claims that are made for the provision of public security through states are actually little more than special pleading, designed to appropriate a veneer of legitimacy for attempts by people who control states to use them for their own interests (Clapham, 1999: 42).

Failing to find true public policing in Africa, Clapham abandons the distinction between public (or state-managed) security systems and private (commercial or even criminal) ones. We are left, therefore, with a spectrum of private security systems. Each system displays a combination of the two basic criteria of any security system: “its efficiency in maintaining some kind of order on the one hand, and its accountability to those people whose security is at stake on the other” (Clapham, 1999: 43).

My own preference is to consider security from the point of view of the experience of the citizen rather than from a governance perspective. There is considerable value in undertaking participatory mapping as the tool to explore policing on the ground. Individuals and group are in a unique position to depict and analyse their own experience of policing. Starting from this perspective, the fluidity of policing becomes very apparent, for people are rarely users of either private or public policing, as if these were mutually exclusive categories. As people move about their daily business, or as the time of day changes, so they may move from the sphere of one security agency to which they would naturally look for protection, to another or be faced at times with a choice of agency to be made in terms of personal experience, preference for mentality (surveillance or punishment), cost or communal status. The extended family may protect the compound, but it is the street committee that sorts out the assault at the shebeen, a spontaneous mob that handles the bus station pickpocket, the commercial security guard that secures the entrance to the city centre office and the state police that are called if a colleague is murdered at the bank at lunchtime.

Policing, as it is experienced, is not just diverse or private, it is a complex pattern of *overlapping policing agencies*.

Much academic literature on policing constructs the choice as one between accountable public policing and minimally accountable private policing (though see Stenning, 2000). However, for Africans their experiences, or choices in as much as they have them, are based on “what is available”, “what works best” and “what can I afford”, more than issues of who controls the policing body and to whom are they accountable. Also within this paradigm familiar security terminology becomes problematic as popular understanding gives different shades of meaning or different applications. Thus “public” and “private” do not exist as straightforward terms in popular experience. Public policing not only fails to serve all equally, as Clapham pointed out, but neither is it free. To secure the interest, investigation and prosecution of a criminal case may well necessitate people offering bribes. Further, daily encounters with public policing at roadblocks and at roadside vending pitches is costly (on the violent street battles between hawkers and police officers in Nairobi in July 2002, see *Daily Nation*, 28 July 2002). Research in 2002 showed that on average each Kenyan had been forced to bribe the police 4.5 times a month, paying them on average US\$16 per month. Over 95 per cent of dealings with the police had resulted in a bribe (Transparency International, 24 January 2002). And yet, “public” and “private” may well mean something in terms of the law and communal mores being enforced, despite the evident contradictions and confusions in their formal relationships.

Though this paradigm recognises overlapping provisions, it downplays both the co-operation and state police dominance of policing networks, since in Africa at least, there is often an element of competition between policing groups within the same geographic space or of parallel provision that offers choice based on performance and cost. There is a sense in which residents shop around for the type of policing they want (Scharf, 2001: 49). For instance, in an attempted rape case in a township in South Africa, a street committee (vigilante group), without consulting the victim, punished her assailant by ordering that he buy alcohol for the street committee members. The victim complained, not to the state police, but to an alternative informal justice body, a restorative justice committee, about the vigilantes’ conduct. After all sides had been brought together the members of the street committee apologised for their conduct (Roche, 2002: 521). In any situation there are often a surprising number of policing agencies - non-state and state, offering localised protection of different levels of legality, effectiveness, availability, methods and services. Each, of course, enforces their own code of conduct and standards. “In any given society”, as Pospisil puts it, “there will be as many legal systems as there are functioning social units (Pospisil, 1971: 24). These agencies create on the ground spheres of influence whose variety and changing nature is not dissimilar to a kaleidoscope of overlapping colours, or mathematical venn diagrams with overlapping sets. To what extent security provisions overlap in competitive or co-operative modes is a matter for further participatory research.<sup>1</sup>

## **Policing groups**

What all the above paradigms recognise is that there is considerable diversity of policing authorisers and providers and that the relationship that they have to one another is complex and changing. Policing for many Africans is very informal and local. It is often the surveillance form of policing provided by the extended family (Anderson and Bennett, 1996). With large numbers engaged in care of children, working from home or simply unemployed, property is rarely left unattended and even then the eyes and ears of neighbours act as a second line of defence. Or policing may be of the responsive and punishment form, such as the mob, when alleged criminals are severely punished or killed by lynching, stabbing, beating, stoning or burning. This article, however, will concentrate on more organised forms and seeks to offer a provisional typology based on policing group's role(s) (authoriser/provider), operational range, legality of actions, degree of co-operation with state police, commercial status (for profit/non-profit), and mentality (surveillance/punishment) (see Figure 1 below).

### *Informal Organised Security Groups*

Informal organised security groups whose emphasis is on punishment security by the community are commonly known as vigilantes. These security groups not only act independently of the state police, but often do not co-operate with it and are prepared to break the law to achieve their goals of protection and investigation (or sometimes trials and sentencing) (Nina, 2001). As groups of private citizens organised on a voluntary, as needed, basis, they use or threaten the use of force in order to control crime or other social disorder. Whether or not vigilante acts are extra-legal and involve the infliction of punishment or simply censure, varies from group to group (Johnston, 2001: 968).

Rising crime in African cities has seen innumerable initiatives by communities to tackle it, such that research in South Africa found that only half of black respondents "could say with certainty that no act of vigilantism had taken place in their community, with 20 per cent saying there had and 31 per cent being unsure" (Schonteich, 2000: 50). In a typical example from Grahamstown, Eastern Cape, an alleged rapist of a 15-year-old girl was summoned to a community committee to defend the charge and face the likelihood of a whipping. On twice failing to attend, the angry community members tore down his wattle and daub house (*Eastern Province Herald*, August 25, 2000). A little further south in Port Elizabeth, an organisation called Amadlozi serves, as they themselves put it, "the local community of law-abiding people". Acting as a community service, it can draw 400 people of all ages and backgrounds three times a week to a community hall on the outskirts of the city to discuss policing problems and to conduct quasi-court sessions that hand out sentences of corporal punishment. Their "working groups":

Formally investigate the cases brought to their attention in the public sessions ... They conduct raids that resemble ordinary police investigations or operations. At times they will gather a group of "residents", arrange rallies [in their hundreds] outside the accused's home and summon people or enter premises for investigative purposes (Buur, 2003b: 19).

Their success rate in tracking criminals and getting them to speak so that stolen goods can be traced is so high that police crime statistics are said to show a reduction of 90 per cent since the group began their operations.



Among the cattle herders of East Africa informal security groups have a long tradition. Cattle raiding is dealt with by pursuit and recapture by posses, together with the summary killing of those deemed responsible. Since state policing in Uganda, Kenya and Tanzania has never been capable of preventing cattle raiding or of bringing the perpetrators to justice, the old violent retaliatory raids have continued (Heald, 1998; Abrahams, 1987). The organisation in Tanzania is simple but effective.

Every man, young or old, had to be equipped with bow and arrows and with a gourd-stem whistle which was to be blown in emergencies. If a theft was committed, a hue and cry was raised and the thieves were to be followed by the young men of the village concerned. The whistles would alert the members of neighbouring villages who would in turn alert others in the same way (Abrahams, 1987: 181-2).

### *Religious Police*

Religious police have much in common with informal organised security groups. They are community based, and use censure and beating to enforce their order with little regard for the state law and, despite their rhetoric, with minimal co-operation with the police. They differ in that they are organised typically by community religious or sometimes political leaders as part-time or full-time groups who exercise surveillance as well as responsive roles.

Shari'a has regulated family and personal law since Nigeria's independence, but the newer versions are far more restrictive and wider in scope. For instance, since 1999, a dozen states in northern and central Nigeria have required "Islamic" dress, sexually segregated public transportation and the prohibition of alcohol. The reticence of the Nigeria police to enforce Shari'a Penal Codes led to the emergence of security groups called *hisba* (named after both the Qur'anic duty of all Muslims to "enjoin what is right and forbid what is wrong" and the office of *hisba*, or market inspector, who, in classical times would enforce honest trade). In Zamfara state the *hisba*:

Attacked places where prostitutes were said to ply their trade and where alcohol was sold... Recognising that these *hisba* groups must be curbed if law and order were to be maintained and also aware of the slackness of the police in enforcing the Shari'a, some state governments (e.g. Kano), decided to establish their own, government-controlled *hisba* groups. The rules and regulations of the Kano *hisba* committee list mainly religious duties, such as counselling and guiding Muslims who are negligent in their religious duties or do not behave as a good Muslim should. They are not authorised to deal with crime, except in co-operation with the police. In order to make them recognisable to the public, they wear a uniform (Peters, 2001: 28)

From a communiqué issued by the Supreme Council for Shari'a in Nigeria, it is clear that it regards the provincial states as the legitimate authorisers of policing:

The Hisbah group are an indispensable vehicle for the proper implementation of Sharia as its indomitable vanguard. ... The Hisbah groups already established are meant to complement the police in their statutory duties and are not its rivals ... But this can only be achieved if the mentality and orientation of the police force is refocused to one of service away from extortion and tyranny ... we are fully aware of our fundamental constitutional rights in a free democratic society to pursue our activities as Muslims in the attainment of our rights as free citizens of this country. We therefore call on the federal government to stop trying to subvert the institution of Hisbah in its effort to sabotage the Sharia (*Vanguard*, July 2, 2001).

In Ghana, predominantly Islamic suburbs of Accra have seen the emergence of "Sharia police" known as Isakaba. Members of hunting groups have constituted

themselves into a volunteer group to enforce law and order under their leaders. Apart from authorising corporal punishment for those found guilty of “sins” such as premarital sex, they act as debt collectors, terrorising people into paying their debt instantly. The Isakaba also act, for a fee, as land guards (*Accra Mail*, Accra, July 19, 2001).

#### *Ethnic/clan militias*

Ethnic or clan militias, like religious police, involve the formation of a part-time or full-time group that exercises both surveillance and punishment security with little regard for the state law or state police. Of course the order they are concerned to preserve is wider than religious affairs and concerns the whole cultural web that constitutes what makes the clan or ethnic group distinct. The clan/ethnic group basis also means that it has a wider geographical remit than the other informal groups so far mentioned.

Though ethnic-based, they may be led not by traditional leaders but by local strongmen. Further, unlike the traditional chief’s courts, militias favour violence to negotiation and restoration. Thus, ethnically motivated mass killings have been a tragic feature of the 9-year conflict in DRC. The conflict has sucked in ethnic groups, spawning ever increasing numbers of ethnic and clan militias, as well as civilian vigilante groups. These paramilitary groups have killed on a mass scale ([www.oxfamamerica.org/emergency/art5351](http://www.oxfamamerica.org/emergency/art5351)).

In Nigeria ethnic groups founded to protect and promote the interests of their peoples have been turned against crime. An example is the O'odua People's Congress (OPC), founded in 1994, which has used violence as a tool of both its ethnic militancy and its vigilantism, though this is often at the hands of undisciplined members. OPC has had powerful backers, including state government officials and even the explicit support of state governors. Hence OPC members have provided security at official and public functions. The federal government, on the other hand, has denounced its violence:

In 1999, the federal government announced a ban on the OPC and gave the police orders to deal with the organization ruthlessly. Instructions to the police to “shoot on sight,” combined with the OPC's defiance of the ban, provoked a heavy-handed and brutal response from the police. The police regularly raided and broke up OPC meetings; scores of OPC members were killed by the police and hundreds arrested ... Despite this crackdown, the OPC has continued to function, sometimes underground, but more often boldly and openly challenging the federal government's and the police's attempts to crush it (Human Rights Watch, 2003).

Armed mobile groups operating under the leadership of factional or clan heads are also a feature of Somalia. In addition to enforcing social order within the area claimed by their lineage, they function as personal militias. Farah and Lewis, for instance, identified 40 militia manned checkpoints (divided between more than 10 lineage groups) along two trade routes commonly used by qat trucks (1993: 61).

#### *Political Party militia groups*

Operating in the interests of modern political parties rather than traditional tribes, but using similar methods to the ethnic militias, are the party militias. Yet whereas ethnic militias will tend to have a regional basis, party militias may have a national coverage. These groups are convenient bodies for national or local strongmen to enforce their will without the encumbrances of the law. Typically young unemployed men are

recruited and their dependency on the patron instils a fierce loyalty and willingness to use extreme violence. President Mugabe in Zimbabwe has put them to effective use to prevent his political rivals from seizing power through elections. Hundreds of ZANU-PF party militia members wearing T-shirts emblazoned with the words, “No to Mass Action” were used to harass the opposition Movement for Democratic Change supporters’ demonstrations in July 2003. The militia in this case, being that of the ruling party, works closely with the police, which means that no action is taken against members when they commit human rights abuses.

President Banda of Malawi had set up a similar organisation in 1963 when he founded The Malawi Young Pioneers (MYP). This elite wing of the League of Malawi Youth, a division of the Malawi Congress Party, was charged with mobilising the youth for national development. They were mainly concerned with rural development work and in promoting adulation to Dr Banda, his party and his government. Over time, however, the MYP added a security role. Trained in the use of small arms, and intelligence gathering, they began to be deployed as a “third security force”. They forced people to buy the party membership card and, as Banda’s private army, detained, tortured and sent into forced exile his opponents. Following an abortive invasion of the country in 1967, they were given additional military training and were equipped with automatic weapons and even helicopter gunships. Thus by the 1980s they overlapped or even overshadowed the Police and Army in their security operations. Their demise came in 1993 when the army, with enthusiastic support from the public, intervened. They attacked MYP establishments, disarmed them and dismantled the organisation. At the time there were an estimated 6,000 armed Young Pioneers, plus a reserve force of about 45,000 previously trained Young Pioneers (Phiri, 2000).

The tradition of party militias is still prevalent in Cameroon. Most political parties in Cameroon have long trained militants as security men. The “vanguards” of the Social Democratic Front, according to the coordinator, are those who protect the party. They are seen as supplementing the police during large political events, particularly in maintaining order during rallies. They are not armed, but wear uniforms. Acting for the National Union for Democracy and Progress are the uniformed “party police”. The 200 members, ranging from lower grades to the rank of “General”, guard party premises and officials. They are trained by retired policemen and those guarding top officials of the party are armed. For its part the People’s Union of Cameroon has a non-uniformed security unit whose role is said to be to ensure peace within the party and to discretely to spy on their “enemies”, whether traitors within the party or other political parties (*Cameroon Tribune*, Yaoundé, September 4, 2003).

#### *Civil defence forces*

CDFs typically emerge during a general breakdown of civil authority and law in a civil war, when neither a depleted state army nor an ineffective police can offer state protection to citizens. They arise as substitutes for conventional defence forces and thus have a military as well as anti-crime role. Though they share the armed group structure of ethnic and political party militias, they function in a different context and are concerned to provide general security for all within their region of operation. For example, the CDFs in Sierra Leone – the Kamajors, Tamaboro and Kapras, were formed to protect citizens from the brutality of war propagated by the Revolutionary United Front (RUF) and the Armed Force Revolutionary Council (AFRC). Having

their roots in traditional hunters and warriors, they were largely structured around the ethnic identity of their community. When the civil war began in 1991, they mobilised communal forces to support the national army in defeating the RUF. By 1998, these militia groups had virtually supplanted the remaining elements of the army, and became the key to pushing back the RUF and AFRC, which had led a coup in 1997. The CDFs were themselves, however, guilty of looting, rape and attacks on civilians, plus atrocities against those suspected of supporting the RUF/AFRC. Like the rebels they fought, they participated in mineral extraction and fought for control of the informal and clandestine trading networks around the mining regions (Ero, 2000). When peace finally came they were reluctant to disband, hoping that President Kabbah, whose regime they had defended, would reward them handsomely. In the case of the Kamajor, they continued in the role of something like a private security force for their leader (and then Minister of Defence), Hinga Norman. It remains to be seen if they will survive following his arrest on war crimes.

There has also been a resurgence of hunter associations (*donzo ton*) in an anti-crime role in Côte d'Ivoire during the 1990s. Their success in reducing crime in northern rural areas has led to an expansion of the associations at the national level, as private security guards in the country's major cities. The government and political parties also employed hunters (*donzow*) to complement the police and gendarmes in maintaining order during the 1995 presidential elections. Yet fearing that they might become a politically destabilising force, successive governments have attempted to restrict their activities to the northern savannah region (Bassett, 2003).

The long-running civil war in Angola saw similar developments in community self-protection. In rural Huambo, internally displaced persons and villagers established civil defence groups to handle potential security threats:

Civil defence groups, composed of both men and women, have been organised both by the local population and the authorities. Men carry the weapons, women patrol the paths and roads. Some members of the civil defence teams carry light weapons to protect settlements and markets. On the roads into towns, members of the civil defence regularly check that people are not carrying weapons and bombs hidden in their bags and baskets. Sometimes, a small civil defence group is left to protect houses and crops in villages from which most of the population has already fled (Birkeland and Gomes, 2001).

### *Informal Commercial Security Groups*

Informal organised security groups typically involve action by private citizens on a voluntary basis. Occasionally, however, under the patronage of local political agents or economic agents, they grow into large commercial operations with full-time operatives. The political agents may see them as the solution to local crime waves that threaten their legitimacy and popularity. In such a situation these security groups may assume a public or community role, rather than (or as well as) one intended for the benefit of a limited group. Three State Governors in the South East of Nigeria have employed an informal security group known as the Bakassi Boys to be, in effect, regional police forces under their command (Baker, 2002c; Human Rights Watch/CLEEN, 2002). Their methods included extra judicial killings (typically decapitating suspects and setting them on fire) and the torture of detainees. One witness described the death of a robber in Adambra: "Two of the [Bakassi] boys first cut off his two hands, gave him a few cuts on his legs, at his back and finally slashed

off his head using sharp knives. Blood gushed out and the crowd roared in applause” (*Newswatch*, September 18, 2000). In Imo State, villages without any police presence had initially set up local vigilance units with the co-operation of the police to combat armed bandits. Discovering that information given to the police about suspected bandits was passed on to the gangs, they turned to the Bakassi Boys. Recorded one villager:

Suddenly things began to happen. Well known hoodlums who were friends of the police gradually took notice and either fled or stayed at their peril. In a short time, locking and bolting gates and doors in my village became only a matter of habit - nobody needed to. Asked thereafter to choose between the Bakassi Boys and the police, the village folks preferred the former ([www.waado.org/NigerDelta/Documents](http://www.waado.org/NigerDelta/Documents)).

Elsewhere it is business interests that have funded commercial informal security groups. The largest such group in South Africa is “Mapogo a matamaga”, formed in 1996 in the Northern Province to protect rural businesses (Baker, 2002b; Oomen, 1999). Annual subscription to the group is R50-165 (though farms and big businesses can be charged up to R10,000). The group has become infamous for its sjambokking (whipping) and brutal assaults of alleged criminals. Initially concerned with protecting rural communities, it now also patrols the suburbs of Johannesburg and Pretoria. Its leaders claim 10,000 members in Gauteng and 40,000 in Limpopo and Mpumalanga. Its president says: “the main thing that attracts members...is that we know how to deal with criminals. We believe in corporal punishment and that really works” (*Africa Research Bulletin*, January, 2000). They say their investigations are effective because they work with the community members. Upon “arresting” an alleged criminal, members mete out their own brand of “medicine” to “cure them of their bad ways”, before handing them over to the police (*Africa Research Bulletin*, January, 2000; *Mail & Guardian*, January 28, 2000).

In the southern Niger city of Zinder it was taxi and lorry owners who in 1991 called on two vigilante leaders from a neighbouring city to establish a group to protect their businesses. Clothed in new uniforms they were presented to the local prefect and the mayor of Zinder.

The mayor provided torch lights for night patrol and the police commissioner was pressurised into furnishing the leader of the *m’banga* with a pair of handcuffs. Henceforth the *m’banga* was known as the *police traditionnelle du Sultan* as well as the security service of the businessmen of the town (Lund, 2001: 860).

Armed with sabres and spiked mace they would beat suspected thieves and parade them dressed in women’s clothes dancing like a monkey. If the family refused to pay a certain compensation for their release they would be handed over to the police. After the 1996 coup, when the police started obstructing the group’s collection of money from businesses, they expanded into the realm of providing personal security guarding for politicians.

#### *Formal Commercial Security Groups*

So far groups that feel no constraint to keep the law, that have no specific policing training and that rarely co-operate with the state police have been considered. Formal commercial security, however, essentially operates within the law and in co-operation with the police, using trained full-time guards. Though their emphasis is on surveillance, they do use punishment security as well, usually in the form of exclusion

and/or handing people over to the state police. Another contrast to the majority of the groups so far considered is their operational range. Though some are local, operating in a single town, many commercial security groups operating in Africa are now part of global companies headquartered in the West, for example, *Group4Falk* and *ArmorGroup*.

The origins of commercial policing in Africa are largely to be found in the mining industry and the desire of mine owners and their managers to exercise total control over their compound migrant workforce (Van Onselen, 1976; Philip, 1989). In South Africa, state police were increasingly preoccupied with security problems in the 1970s and 1980s, and the expansion of this commercial security was actively encouraged by the Government to relieve pressure on the overstretched South African Police (Philip, 1989; Irish, 1999; Brogden and Shearing, 1993). In this context it is not surprising that formal commercial policing took off in South Africa before any other African country. By 2000 the number of active security officers registered with South Africa's Security Officers' Interim Board was 166,000. Uniformed and equipped to a similar or better standard than the state police, it rapidly assumed much of the day-to-day policing of white suburbs of South Africa's towns (Baker, 2002a). From guarding buildings, commercial policing grew to include patrolling, armed response and electronic systems and now undertakes all the roles of the state police.

The 1990s saw the commercial security sector expand rapidly across all parts of Africa, but especially where the state is weakest, with governments, commercial corporations, aid agencies and private citizens using it for their protection. The most common services provided are risk analysis, security training for staff, the transport and protection of resources and emergency aid (e.g. by CARE and World Food Programme), protecting elites from crime, and site protection (e.g. ICRC and other aid agencies in Kinshasa) (Vaux, 2003).

The commercial security industry is divided on whether their guards should be armed, some arguing the merits of the system used in Cote d'Ivoire, where a few trained individuals in some companies are armed with weapons which are stored at a nearby police station and returned on close of duty with an account for the rounds given them. Others call for widespread arming in the light of the frequent use by criminals of weapons (Irish, 1999: 30).

#### *State Approved Civil Guarding*

Also working within the law and with the approval and co-operation of the state police, but not for profit, are a range of security groups authorised by citizen groups and sub-national political units and provided by small groups of trained guards. Johnston tries to capture something of their ethos by calling them responsible citizen responses (1992). They are particularly prevalent in South Africa, partly because of its large middle class. There, security units are found based on city residents groups, who operate vehicle patrols with the co-operation of the South African Police Service and private security firms. Elsewhere city residents have formed non-profit companies and hire police reservists for armed foot patrols. Others are based on city businesses such as a block in a city centre, which are protected and patrolled by security guards or by car guards (Shaw 1995: 77; Baker, 2002a). Still others are based on farms, which co-operate to engage security firms to patrol their land (*Africa Research Bulletin*, September, 1998). For all that these are private initiatives, they share the

acknowledgement of the state as performing a valuable service for community order and safety.

An example of a sub-national political unit that has authorised and provided its own policing with state approval is the Douala city council in Cameroon. They set up in 2002 their own traffic police in the face of insufficient state policing in the commercial centre of the city. The uniformed Douala IV Urban Council police are divided into 4 teams of 10 persons. They are posted along the congested main roads with whistles to control vehicles, prevent illegal parking and to intervene when an accident occurs. According to the Chief of the municipal police, they are not a challenge to the gendarmerie or police, but work with them “to reduce the traffic anarchy”. When drivers ignore traffic regulations, sanctions are meted out, ranging from verbal warning to large fines and the seizure of documents (*Cameroon Tribune*, Yaoundé, June 26, 2003). Similarly, Accra Municipal Authority maintains a small enforcement unit, the City Guards, “whose role is largely ambiguous and limited to specific bylaws and enforcement of minor traffic rules” (Appiahene-Gyamfi, 2003: 15).

#### *Traditional Courts*

The chiefs’ courts, for all their recent demise, are still probably the predominant administrators of justice in rural Africa. They form a hierarchy of legal structures designed to provide responsive policing that for the most part is non-violent. Though they operate on the basis of customary law, they typically work within national constitutions and therefore with state police approval. The courts have a conciliatory character in that they aim to restore peace between members and social order following such matters as petty theft, fights, out of wedlock pregnancies, adultery and civil disputes (Zwane, 1994; Stack, 1997; Kwame, 1985; Bekker, 1989; Carlston, 1968; Schapera, 1957; Seymour, 1970). Arrests can be made by tribal police, but more often litigants press the case themselves. Litigants generally make every effort to resolve the matter informally. A person with a claim against another proceeds to the kraal of the defendant, accompanied by a party of advisers, witnesses and supporters where the appointed spokesmen will state the case to the defendant. There and then, or at a later time after consulting advisers, the defendant will respond. Where the dispute cannot be resolved the two will go to the headman of their own village. The procedure has a semi-judicial character and the dispute is examined thoroughly. If the plaintiff does not obtain satisfaction it can be taken to the chief’s court, where the chief acts as the judge. The chief’s court is a public affair in that everyone (i.e., all adult men of the tribe) can freely participate. The men present have the right to cross-question the parties and to express an opinion as to what the decision or verdict should be. When the chief formally pronounces the verdict of the court, he is merely reflecting the consensus of opinion expressed by the tribal members present. Punishment may include compensation to the other party in the dispute, a small fine to the chief, and the guilty party may have to pay the full costs of the case. The party who wins the case may also be asked to give the chief a portion of the compensation he receives as a token of his gratitude to the chief for giving him a fair hearing. Some sentences include corporal punishment.

Though this restorative policing usually works within the law, their legitimacy transcends modern legal forms. Thus the elders in Somaliland, filling the vacuum left by the collapse of the central state and faced with rising banditry, have decreed that

responsibility for paying damages for the actions of armed groups should be directly shouldered by the families of persistent offenders, rather than, as before, extend to the whole group. If an armed robber is unable to pay compensation, the burden falls upon his father and brothers. Though in some cases offenders are executed, the policing primarily relies on moral authority rather than physical coercion (Farah and Lewis, 1993). The power of such systems to prevent the occurrence of crime and violence remains limited, but in the words of the Somali elders, they can at least offer “fire extinguishing”.

#### *Restorative Justice Committees*

Also enjoying state approval are the restorative justice committees or “community courts” that seek to restore and maintain social order. Though they mark a new approach, they reflect traditional justice values of the traditional courts, particularly their emphasis on restoring relationships. They can be the product of NGOs with state backing or spontaneous phenomena in the community. The former has been the case in townships in South Africa. For instance, peace committees have been formed in some 10 townships under an NGO programme known as the Community Peace Programme (CPP) funded by the South African Government and international donors (Roche, 2002; Johnston and Shearing, 2003). The main work of committee members, for which they are paid a very small remuneration, is to provide local and accessible peacemaking facilitation to resolve specific conflicts. In the informality of committee members’ homes, they bring together the victim and offender, with their respective supporters, to attempt to negotiate on a consensual basis the resolution of the injustice. Typically they deal with disputes over debt repayment and shack inheritance, but they also cover a range from strictly non-illegal matters such as noise complaints, infidelity and insulting language, to serious crimes of domestic violence and rape. Negotiated settlements might include a promise to return stolen goods, to help repair material damage, to repay money owed, or to desist from offending behaviour. Most of the gatherings are held within five days of the offence. They provide an alternative to formal conviction and sentencing in the criminal justice system, although there is always the overshadowing threat that if the issue is not resolved it may well be taken to the state courts. The peace committees, in contrast to other informal justice systems in the townships, pledge to work within the South African law, to abstain from violence and to follow procedures that are open for the community to see. They also enjoy police approval.

## **Conclusion**

It is surprising that so little is known about policing in Africa when it is such a key measure of democratisation and good governance. Yet research on the structure of policing in Africa, particularly outside of South Africa, has been fragmentary and uneven. A survey of published research (Bayley and Shearing, 2001) revealed a dearth of data and analysis concerning the nature of contemporary policing in Africa, the effect of fragmentation on justice, accountability and quality of service, and the actions of governments to control and hold accountable all forms of policing. The only book published on the continent’s contemporary policing remains Alice Hills’ *Policing in Africa* (Hills, 2000).



Nevertheless the general trends in policing in Africa are clear. It is not a monopoly of government, but is increasingly diversified away from the state to non-state formal and informal agencies. The current situation is one where there is both a separation of those who authorise policing from those who provide it and also a widespread exercise of both functions by non-government actors. In addition, there is a tendency, particularly for informal groups, to transform over time.

Non-state policing is engrained in every community of Africa with the specific form of non-state protection adopted being determined by availability, cost and preference for their methods. It is ubiquitous to the point that few challenge its legitimacy, even if they criticise some of its practices. Such is the current low priority given by state police on the protection of property that few, including the state police themselves, would deny that non-state policing of whatever hue is seen as the best available deterrent and the fastest responder in time of emergency. There are few in Africa who would insist that the state be given a monopoly of all policing functions and that non-state policing should be proscribed. Though private and commercial initiatives can never ensure that there is equal provision and access, the state policing services are too deficient in available resources, training and institutionalised accountability for them to simply absorb non-state police roles. The priority for governments is not just to improve the strength of numbers of the state police. They must be brought under full democratic control, corruption must be curtailed and lawless behaviour eradicated. This can only be a slow process and thus, in the foreseeable future, non-state policing will continue to be an integral part of African life. If non-state policing is inevitable and indispensable, then many see the immediate task as at least bringing the “responsible” elements under statutory legislation, so that it is more fully accountable to the public and fit to be a partner in the security network. Yet even this limited programme is likely to be hampered by a lack of resources to implement recommendations. As regards those policing groups that feel no compunction about breaking the law, they may be outlawed, but little is likely to be done to bring them to an end.

Though the reliance on non-state policing might be inevitable, it creates a number of serious problems for new democracies. The widespread use and support for non-state policing undermines the legitimacy of the state police, with the danger that a view of the state police as irrelevant will extend to seeing the state itself as irrelevant. Citizens might well ask, what is the point of political engagement with a state that fails to offer such a basic service as personal security and when non-state initiatives are available? Another cause for concern that has been raised is the degree to which the scale of non-state policing exacerbates inequality. The nature of non-state policing means that it can offer no equality of accessibility and adjudication. Access to non-state policing services is uneven, depending on location and/or wealth. For community self-help groups it depends on local initiative and by no means all people are offered any provision at all. Likewise, at the commercial end of policing provision, it is clear that it is related to class. The right to freedom and security is not universally available. Then again, in cases where non-state policing undertakes adjudication, there are inevitably serious concerns about standards of investigation, scrutiny of evidence, the sanctions available and the consistency of treatment for citizens. Certainly some policing groups are guilty of denying people their legal and constitutional rights, hasty verdicts, presumption of guilt and of violent and inhumane practices. The latter is part of a culture of violence that many policing groups maintain. Yet, of course, it only

promotes counterforce. As citizens arm themselves, or call on armed non-state policing for protection and revenge against criminal violence, the likelihood is that criminals will undertake their activity prepared to meet defensive violence with violence. All these concerns about non-state policing are genuine, yet the truth is that they also apply to the current forms of state policing to varying degrees.

Though the overall pattern of policing in Africa is clear, what are far less clear are the details on a country by country basis. Exactly who is constructing and delivering policing? Who are the people responsible for authorising policing? How many non-state providers of policing, both voluntary and commercial, are there, what do they do, and whom do they serve? Are the nature and scope of state policing changing? How do state and non-state policing agents interact? Do they ignore, hinder, or help one another? Do different providers of policing take different operational approaches when performing the same task? To what extent is policing in all its forms under ultimate civilian and parliamentary control? Is policing conducted so as to ensure accountability, equality of access to and enforcement of justice, and uniform quality of service? These are not just academic questions, but real concerns for new democracies. This article has begun the construction of a typology to understand the variety of policing that exists. The details must now be filled in.

## Notes

<sup>1</sup> The author is currently investigating this in Mozambique and Uganda in an ESRC funded research programme (Award Reference: R000271293).

## References

Abrahams, R. 1987. "Sungusungu: Village Vigilante Groups in Tanzania", *African Affairs*, 86: 176-96.

Adu-Mireku, S. 2002. "Fear of Crime among Residents of Three Communities in Accra, Ghana", *International Journal of Comparative Sociology*, 43, 2: 153-168.

Ahire, P. 1991. *Imperial Policing in Colonial Nigeria, 1860-1960*. Milton Keynes: Open University.

Alvazzi del Frate, A. 1998. *Victims of Crime in the Developing World*. Publication No. 57. Rome: United Nations Interregional Crime and Justice Research Institute.

Amnesty International reports available at <http://web.amnesty.org/web/ar2002.nsf/afr/>

Anderson, D. and Broch-Due, V. (eds.) 1999. *The Poor Are Not Us*. James Currey: Oxford.

Anderson, T. and Bennett, R. 1996. "Development, Gender and Crime. The scope of Routine Activities Approach", *Justice Quarterly*, 32: 343-63.

Appiahene-Gyamfi, J. 2003. "Urban Crime Trends and patterns in Ghana: The Case of Accra", *Journal of Criminal Justice*, 31, 1: 13-23.

Baker, B. 2002a. "Living with non-state policing in South Africa: the issues and dilemmas", *Journal of Modern African Studies*, 40, 1: 29-53.

\_\_\_\_\_. 2002b. *Taking the Law into their Own Hands: Lawless Law Enforcers in Africa*. Aldershot: Ashgate.

\_\_\_\_\_. 2002c. "When the Bakassi Boys Came: Eastern Nigeria Confronts Vigilantism", *Journal of Contemporary African Studies*, 20, 2: 1-22.

Bassett, T. 2003. "Dangerous pursuits: hunter associations (*donzo ton*) and national politics in Côte d'Ivoire", *Africa*, 73, 1: 1-30.

Bayley, D. and Shearing, S. 2001. *The New Structure of Policing: Description, Conceptualization and Research Agenda*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

Bekker, J. 1989. *Customary Law in Southern Africa*. Cape Town: Juta.

Birkeland, N. and Gomes, A. 2001. Angola: Displaced in the Province of Huambo. In Vincent and Sorensen, 2001: 33-41.

Brogden, M. and Shearing, C. 1993. *Policing for a New South Africa*. London: Routledge.

Buur, L. 2003a. "Vigilantism and the Policing of Everyday Life in South Africa". Paper presented for ROAPE conference: Africa: Partnership as Imperialism, September 5-7 2003, Birmingham University.

\_\_\_\_\_. 2003b. "Crime and Punishment on the margins of the Post-Apartheid State", *Anthropology and Humanism*, 28, 1.

Carlston, K. 1968. *Social Theory and African Tribal Organization*. Urbana: University of Chicago Press.

Chukwuma, I., 2000. '[Police Transformation in Nigeria: Problems and Prospects](#)'. Paper presented at 'Crime and Policing in Transitional Societies', conference held August 30 – September 1 2000, South Africa, available at [www.kas.org.za/Publications/Seminars](http://www.kas.org.za/Publications/Seminars).

Clapham, C. 1999. African Security Systems: Privatisation and the Scope for Mercenary Activity. In Mills and Stremlau, 1999: 23-45.

Cock, J. and Nathan, L. (eds.) 1989. *War and Society: The Militarisation of South Africa*. Cape Town: David Philip.

Ekeh, P. 2002. A Review of the HRW's and CLEEN's Report on the Bakassi Boys, available at [www.nigerdeltacongress.com/articles](http://www.nigerdeltacongress.com/articles).

Ero, C. 2000. "Vigilantes, Civil Defence Forces and Militia Groups: the other side of the privatisation of security in Africa", *Conflict Trends*, 1: 25-9.

Farah, A. and Lewis, I. 1993. *Roots of Reconciliation – Local Level Peace Process in Somaliland*. London: ACTIONAID.

Goldsmith, A. 2003. "Policing Weak States: Citizen Safety and State Responsibility", *Policing and Society*, 13, 1: 3-21.

Heald, S. 1998. *Controlling Anger: The Anthropology of Gisu Violence*. James Currey: Oxford.

Hills, A. 2000. *Policing in Africa: Internal Security and the Limits of Liberalization*. Boulder: Lynne Rienner.

Human Rights Watch/CLEEN 2002. *The Bakassi Boys: The Legitimization of Murder and Torture*. May 2002.

Human Rights Watch, 2003. *Nigeria: The O'odua People's Congress: Fighting Violence With Violence*. February 2003, 15, 4 (A).

Human Rights Watch reports, available at <http://www.hrw.org/wr2k1/africa/>

Humphries, R. 2000. "Crime and Confidence: Voters' Perceptions of Crime", *Needbank ISS Crime Index*, 4: 1-6.

Irish, J. 1999. *Policing for Profit: The Future of South Africa's Private Security Industry*. Pretoria: Institute of Security Studies, Monograph Series, No. 39.

Johnston, L. 1992. *The Rebirth of Private Policing*. London: Routledge.

\_\_\_\_\_. 2001. "Crime, Fear and Civil Policing", *Urban Studies*, 38, 5-6: 959-76.

Johnston, L. and Shearing, C. 2003. *Governing Security: Explorations in Policing and Justice*. London: Routledge.

Kempa, M., Carrier, R., Wood, J. and Shearing, C. 1999. "Reflections on the Evolving Concept of 'Private Policing'", *European Journal on Criminal Policy and Research*, 7: 197-223.

Killingray, D. 1986. "The Maintenance of Law and Order in British Colonial Africa", *African Affairs*, 85: 411-437.

Kwame, A. 1985. *Traditional Rule in Ghana: Past and Present*. Accra: Sedco.

Loader, I. 2000. "Plural Policing and Democratic Governance", *Social & Legal Studies*, 9, 3: 323-45.

- Lund, C. 2001. "Precarious Democratization and Local Dynamics in Niger", *Development and Change*, 32, 5: 845-869.
- Mills, G. and Stremlau, J. (eds.) 1999. *The Privatisation of security in Africa*. Johannesburg: South African Institute of International Affairs.
- Newburn, T. 2001. "The Commodification of Policing: Security Networks in the Late Modern City", *Urban Studies*, 38, 5-5: 829-48.
- Nina, D. 2001. "Dirty Harry is Back: Vigilantism in South Africa – The (re)emergence of "good" and "bad" community", available at [www.iss.co.za](http://www.iss.co.za).
- Nina, D. and Scharf, W. 2001. Introduction: The Other Law?. In Scharf and Nina, 2001.
- Oomen, B. 1999. "Vigilante Violence in Perspective: The Case of Mapogo a Mathamaga", *Acta Criminologica*, 12, 3: 45-53.
- Pelser, E., Louw, A. and Ntuli, S. 2000. *Poor Safety: Crime and Policing in South Africa's Rural Areas*. Pretoria: Institute of Security Studies, Monograph Series, No. 47.
- Peters, R. 2001. *The Reintroduction of Islamic Criminal Law in Northern Nigeria A Study Conducted on Behalf of the European Commission*, available at [http://europa.eu.int/comm/europeaid/projects/eidhr/pdf/islamic-criminal-law-nigeria\\_en.pdf](http://europa.eu.int/comm/europeaid/projects/eidhr/pdf/islamic-criminal-law-nigeria_en.pdf).
- Philip, K. 1989. The Private Sector and the Security Establishment. In Cock and Nathan, 1989.
- Phiri, K. 2000. "A Case of Revolutionary Change in Contemporary Malawi: The Malawi Army and the Disarming of the Malawi Young Pioneers", *Journal of Peace, Conflict and Military Studies* 1, 1. available at <http://members.fortunecity.com/mcpmalawi/article3.html>.
- Pospisil, L. 1971. *The Anthropology of Law: A Comparative Theory of Law*. New York, Harper & Row.
- Roche, D. 2002. "Restorative Justice and the Regulatory State in South African Townships", *British Journal of Criminology*, 42: 514-33.
- Schapera, I. 1957. "The Sources Of Law In Tswana Tribal Courts: Legislation And Precedent", *Journal of African Law*, 1, 3:150-162.
- Scharf, W. and Nina, D. 2001. *The Other Law: Non-state Ordering in South Africa*. Lansdowne: Juta.
- Scharf, W. 2001. *Police Reform and Crime Prevention in Post-Conflict Transitions. Learning from the South African and Mozambican Experience*, available at [www.um.dk/upload/english/DP3cScharf](http://www.um.dk/upload/english/DP3cScharf).

- Schonteich, M. 2000. *Justice Versus Retribution: Attitudes to Punishment in the Eastern Cape*. Pretoria: Institute of Security Studies, Monograph Series, No. 45.
- Seymour, S. 1970. *Bantu Law in South Africa*. Cape Town: Juta.
- Shaw, M. 1995. *'Partners in Crime'? Crime, Political Transition and Changing Forms of Policing Control*. Johannesburg: Centre for Policy Studies.
- \_\_\_\_\_. 2002. *Crime and Policing in Post-Apartheid South Africa: Transforming Under Fire*. London, Hurst.
- Shearing, C and Stenning, P. 1981. Modern Private Security: Its Growth and Implications. In Tonry and Morris, 1981: 193-245.
- Shearing, C. and Stenning, P. 1983. "Private Security: Implications for Social Control", *Social Problems*, 30, 5: 480-502.
- Shearing, C. and Kempa, M. 2000. "The Role of 'Private Security' in Transitional Democracies". Paper given at 'Crime and Policing in Transitional Societies', Conference held August 30 – September 1, 2000, South Africa, available at [www.kas.org.za/Publications/Seminars](http://www.kas.org.za/Publications/Seminars).
- South, N. 1988. *Policing for Profit*. London: Sage.
- Spitzer, S. and Scull, A. 1977. "Privatization and Capitalist Development: The Case of Private Police", *Social Problems*, 25, 1: 18-29.
- Stack, L. 1997. *Courting Disaster? Justice and South Africa's New Democracy*. Johannesburg: Centre for Policy Studies.
- Stenning, P. 2000. "Powers and Accountability of Private Police", *European Journal on Criminal Policy and Research*, 8: 325-52.
- Tonry, M. and Morris, N. (eds.) 1981. *Crime and Justice: An Annual Review of Research*, Vol.3. Chicago: University of Chicago Press.
- Turner, R. 1955. "Law Enforcement by Communal Action in Sukumaland, Tanganyika Territory", *Journal of African Administration*, 7, 4.
- US Department of State (annually), Bureau of Democracy, Human Rights, and Labour, *Country Reports on Human Rights Practices*.
- Van Onselen, C. 1976. *Chibaro*. London: Pluto Press.
- Vaux, T. 2003. *European Aid Agencies and their Use of Private Security Companies*, available at [www.international-alert.org](http://www.international-alert.org).
- Vincent, M. and Sorensen, B. (eds.) 2001. *Caught Between Borders: Response Strategies of the Internally Displaced*. London: Pluto.

Waller, R. 1999. Pastoral Poverty in its Historical Perspective. In Anderson and Broch-Due, 1999.

Zwane, P. 1994. "The Need for Community Policing", *African Defence Review*, 18: 38-43.

Zvekic, U. et al (eds.) 1995. *Criminal Victimisation in the Developing World*. UNICRI Publication No. 55. Rome: United Nations Interregional Crime and Justice Research Institute.

Zvekic, U. 1998. *Criminal Victimization in Countries in Transition*. Publication No. 61. Rome: United Nations Interregional Crime and Justice Research Institute.

Figure 1. Typology of Policing Groups

CATEGORY	AUTHORISER	PROVIDER	OPERATIONAL RANGE	CON-STRAINED BY LAW	CO-OP' WITH POLICE	FOR PROFIT	SURVEILLANCE SECURITY	PUNISHMENT SECURITY
<b>Extended Family</b>	family	family	v.local	mainly	no	no	yes	rarely
<b>Spontaneous mob</b>	community	community	v.local	no	no	no	no	beating/death
<b>Informal organised security group</b>	community	community	local	no	rarely	no	no	censure beating/death
<b>Religious police</b>	religious organisations or sub-national units	usually unarmed groups	local	no	no	no	yes	censure beating
<b>Ethnic/clan militia</b>	tribe/clan or local strongmen	armed groups	tribal/clan area	no	no	no	yes	censure beating
<b>Political party militia</b>	political party	armed groups	regional/national	no	no unless ruling party	no	yes	beating
<b>Civil defence forces</b>	community	armed groups	regional	no	no	no	yes	beating/death
<b>Informal commercial security group</b>	business and political leaders	armed groups	local/ regional	no	rarely	yes	no	beating/death
<b>Formal commercial security group</b>	business	trained guards	local to global	mainly	yes	yes	yes	exclusion
<b>State approved civil guarding</b>	citizen group or subnational units	trained guards	local/ regional	mainly	yes	no	yes	exclusion
<b>Traditional courts</b>	tribe	tribal elders	local/ district	mainly	yes	minimal	no	Financial/ corporal
<b>Restorative justice committees</b>	community	community	local	mainly	often	no/token	no	financial or service
<b>State police</b>	State	trained personnel	national i.e. urban	mainly	n/a	no	yes	court sentencing



Together, the perceptions of failing state police and rising crime have created a situation today where a plethora of non-state policing groups have emerged across the continent. Their variety is bewildering. Some adhere to the law and have police support, some are lawless and violent in their assault on crime; some are spontaneous, short lived or evolving, some are more permanent commercial enterprises. They are authorised by an array of groups besides governments. These include economic interests (legal and illegal), residential communities, cultural communities, and individuals. Similarly, there is considerable variety amongst those who provide policing. Commercial companies, non-state authorisers of policing, individuals, as well as governments are involved. It is this variety and complexity that the proposed paper would explore. It would begin with an examination of the paradigms that have been proposed to capture this fragmentation of policing, before introducing a typology of the various categories of policing groups that have arisen and their key features. The paper would conclude with an assessment of the dangers of proliferating non-state policing.